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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 MANSELL ROY WILLIAMS,

8 Plaintiff(s),

9 v.

10 KROGER, et al.,

11 Defendant(s).

Case No. 2:18-CV-579 JCM (NJK)

ORDER

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13 Presently before the court is the matter of *Williams v. Kroger*, case number 2:18-cv-00579-
14 JCM-NJK.

15 On March 29, 2018, plaintiff Manswell Williams initiated this personal injury action. (ECF
16 No. 1). Williams names two defendants in the amended complaint: Smith's Food and Drug
17 Centers, Inc. ("Smith's") and Donahue Schriber Realty, LP ("Donahue"). (ECF No. 21).

18 On March 1, 2019, Donahue file a notice of acceptance of an offer of judgment. (ECF No.
19 49). Three days later, the court entered judgment consistent with the notice. (ECF No. 50). Now,
20 Williams moves to strike the notice and vacate the judgment because Williams did not accept an
21 offer of judgment from Donahue. (ECF No. 51). Donahue admits that it filed the notice as a
22 clerical error. (ECF Nos. 53, 55, 56). Good cause appearing, the court will grant Willaims' motion
23 to strike.

24 The court also notes that Smith's filed a notice of settlement on March 8, 2019. (ECF No
25 52). The notice states that William and Smith's have agree to a final settlement and will file a
26 stipulation of dismissal within sixty (60) days. *Id.* The notice does not indicate that Williams has
27 settled his claims against Donahue. *See id.* The court will deny without prejudice Smith's motion
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1 to dismiss (ECF No. 30) subject to Smith's ability to renew its motion should the settlement not
2 materialize.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Williams' motion to
5 strike (ECF No. 51) be, and the same hereby is, GRANTED.

6 IT IS FURTHER ORDERED that Danahue's notice (ECF No. 49) be, and the same hereby
7 is, STRICKEN.

8 IT IS FURTHER ORDERED that the judgment (ECF No. 50) be, and the same hereby is,
9 VACATED.

10 IT IS FURTHER ORDERED that Smith's motion to dismiss (ECF No. 30) be, and the
11 same hereby is, DENIED without prejudice.

12 DATED May 2, 2019.

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14 UNITED STATES DISTRICT JUDGE